

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWARD ROTH,

25-cv-3284 (JGK)

Plaintiff,

ORDER

- against -

MIDTOWN SOUTH OWNER LLC, ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

On April 21, 2025, the plaintiff brought this action, alleging that diversity-of-citizenship jurisdiction existed pursuant to 28 U.S.C. § 1332. ECF No. 1. The plaintiff, however, failed to identify the citizenship of each of the members of the defendant LLCs. See id. Therefore, on April 23, 2025, the Court directed the plaintiff to identify the citizenship of each defendant. ECF No. 5. On April 25, 2025, the plaintiff submitted a letter informing the Court that the plaintiff does not know the citizenship of any defendant and that the plaintiff had "served interrogatories upon [the] defendants requesting this information." ECF No. 9.

Courts "have an independent obligation to consider the presence or absence of subject matter jurisdiction sua sponte." Joseph v. Leavitt, 465 F.3d 87, 89 (2d Cir. 2006).<sup>1</sup> As "the party asserting federal jurisdiction," the plaintiff "bears the burden

<sup>1</sup> Unless otherwise noted, this Order omits all internal alterations, citations, footnotes, and quotation marks in quoted text.

of establishing jurisdiction . . . by a preponderance of evidence." Platinum-Montaur Life Scis., LLC v. Navidea Biopharmaceuticals, Inc., 943 F.3d 613, 617 (2d Cir. 2019). For purposes of diversity jurisdiction under 28 U.S.C. § 1332, a limited liability company "takes the citizenship of each of its members." Bayerische Landesbank v. Aladdin Cap. Mgmt. LLC, 692 F.3d 42, 49 (2d Cir. 2012). Dismissal is proper when the plaintiff's submissions "show that [the] plaintiff has no basis for alleging diversity." Lewis v. Allied Bronze LLC, No. 7-cv-1621, 2007 WL 1299251, at \*2 (E.D.N.Y. May 2, 2007).

The plaintiff's complaint and April 25, 2025 letter show that the plaintiff has no good-faith basis for alleging diversity. Accordingly, this case is **dismissed without prejudice** for lack of subject-matter jurisdiction.

Any pending motions are dismissed as moot. All conferences are canceled. The Clerk of Court is directed to close this case.  
**SO ORDERED.**

Dated: New York, New York  
April 28, 2025



John G. Koeltl  
United States District Judge